

Application/Control No. 09/877,414

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. **35 U.S.C. §112, second paragraph.**

Claim 1 was rejected because it was deemed vague and indefinite of the limitation "a first modified format thereby creating modified data." The Examiner wrote, "it is unclear what format is it being modified [sic] or what is modifying the formatted data."

Applicant respectfully traverses. Applicant is of the opinion that one skilled in the art would not find the cited phrase vague or indefinite.

As support, at least on page 8, [0016] the Specification is clear that the agent creates reformatted, hence, modified, data, as follows (emphasis added):

Briefly, the **agents 140 are used to gather information** from various data sources, third party applications, data servers, legacy systems, etc., and **reformat the data** into a common scheme using XML. The **reaper 120 is adapted to contact the agents in order to gather the reformatted data and store the reformatted data** in a data repository (reference number 124 in Figure 1).

One skilled in the art would understand that reformatted data is an example of modified data. Nevertheless, Applicant has amended the independent Claims citing such instances of the objected phrases to further clarify the invention.

In view of the above, Applicant is of the opinion that the rejection is overcome. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

Application/Control No. 09/877,414

3. 35 U.S.C. §102(e).

Claims 1-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Eicher, JR. *et al* (herein Eicher), 2002/0077964.

Applicant respectfully traverses.

The claimed invention provides a system and method for analyzing key business metrics in a business environment and for providing a visual snapshot of the business metrics specified by a user (Field of the Invention). In one aspect, the dashboard system includes four primary components, a reaper, one or more agents, an alert detector, and a dashboard controller. Briefly, the agents are used to gather information from various data sources, third party applications, data servers, legacy systems, etc., and reformat the data into a common scheme using XML. The reaper is adapted to contact the agents in order to gather the reformatted data and store the reformatted data in a data repository. The reaper is also preferably adapted to perform data aggregation and history creation. A repository manager is also shown in Figure 1 that further manages the inflow and outflow of data to and from the data repository (refer to page 8 [0016].)

In contrast, Eicher doesn't disclose one or more agents gathering information from various sources including third party applications, data servers, legacy systems and the like, because it isn't providing the same solution as the claimed invention, which is gathering data from various sources and reformatting such data into a common scheme.

Specifically, the Eicher disclosure is concerned with key performance indicators for a buyer-supplier engagement and uses the following data: historical data including data related to products similar to the product being supplied in the buyer-supplier engagement, data related to the same product in the buyer-supplier engagement from

Application/Control No. 09/877,414

other buyer-supplier engagements monitored by the system, data related to the same product in the buyer-supplier engagement from other buyer-supplier engagements supplied to the system, and data related to the same product from an earlier buyer-supplier engagement between the buyer and supplier (see Field of Invention to Eicher.)

Regarding Claim 1, the Examiner's position is that a data source having an predefined format is disclosed in Eicher and relies on paragraph [0011] to Eicher. Further, the Examiner relied on paragraphs [0053], [0054], [0091], and [0108] to reject an agent.

According to MPEP 2131, to anticipate a claim, the reference must teach every element of the claim. More specifically, MPEP 2131 states as follows (emphasis added):

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim,"

However, Eicher fails to teach every element of the claim as well as Eicher does not teach the elements as arranged as required by Claim 1.

First, paragraph [0011] to Eicher, as cited by the Examiner, discloses "a system for monitoring business relationship health through monitoring standard business documents that are exchanged between partners and automatically extracting data that provides insight into that business relationship." The Examiner failed to point out which feature in that disclosure is meant to be the equivalent to a data source having a predefined format. For the sake of compact prosecution, Applicant assumes, and in so doing does not make any admission, that the Examiner intended "standard business documents" to be equivalent to a data source having a predefined format.

Second, paragraphs [0053], [0054], [0091], and [0108] disclose, respectively, the definition of adapter and agent, the use of agent in the context of user as it relates to

Application/Control No. 09/877,414

employee, independent contractor, and consultant, new data being received by the agent, and, again, in the context of user/agent.

Nowhere do such citations by the Examiner or elsewhere in the prior art of record disclose an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent takes input data from the data source and translates the data into a modified data.

More specifically, according to MPEP 2131 hereinabove, if the Examiner found **standard business documents** to be the equivalent to the claimed invention's data source having a predefined format, then nowhere does Eicher disclose Eicher's agent communicatively coupled to the data source, wherein the agent is configured according to the data source and wherein the agent takes input data from the data source and translates the data into a modified data.

One skilled in the art would recognize that it is not possible for either the claimed agent or that of Eicher to be communicatively coupled to a document.

Claim 1 is clear that the agent is communicatively coupled to the data source.

On this point alone, it is evident that MPEP 2131 is violated because Eicher does not disclose the claimed elements as arranged as required by the claim. Hence, the rejection is improper.

Further, concerning a reaper communicatively coupled to the agent and configured to retrieve the modified data from the agent, the Examiner relied on the "data collection module" in paragraph [0029] to Eicher. Paragraph [0029] to Eicher simply discloses a data gateway web cluster comprises a cluster of servers that provide "a one-way data collection module for data related to products being supplied, buyers, and suppliers." Nowhere is the reaper as claimed disclosed. Again, MPEP 2131 is violated because nowhere does Eicher disclose a reaper communicatively coupled to the agent and

Application/Control No. 09/877,414

configured to retrieve the modified data from the agent. Eicher is silent on the data collection module being coupled to the agent and Eicher is silent on the reaper/data collection module configured to retrieve the modified data from the agent.

Concerning the claimed invention's data repository communicatively coupled to the reaper and configured to store the modified data, the Examiner relies on Eicher's data storage system 28. Eicher discloses no more than certain data being allocated and stored into a data storage system, but nowhere does Eicher disclose the invention as claimed, *i.e.* data repository communicatively coupled to the reaper and configured to store the modified data. Again, MPEP 2131 is violated and the rejection is deemed improper.

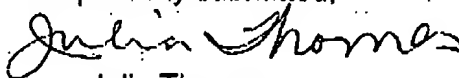
Accordingly, in view of the above, Applicant is of the opinion that Claim 1 and its dependent Claims are in condition for allowance. Simply put, the application is allowable because it meets the conditions for allowance set forth by the applicable Patent Laws, Patent Office Rules, and Case Law.

The other independent Claims were similarly rejected as in Claim 1. In view of the above, the other independent Claims and their respective dependent Claims are deemed to be in condition for allowance.

Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

Should the Examiner find it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn, at 650-474-8400.

Respectfully submitted,



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